REMARKS/ARGUMENTS

The present Response is responsive to the non-final Office Action mailed September 16, 2009 in the above-identified patent application.

Claims 2-4, 15 and 24 are the claims currently presented for examination in the present application.

Rejection of Claims 2-4, 15 and 24 under 35 U.S.C. § 103

Claims 2-4, 15 and 24 are rejected under 35 U.S.C. § 103 as being obvious from Camenzind, WO 99/56918 in view of Poitras, U.S. Patent No. 3,557,789. Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, according to an aspect of Applicant's invention as claimed in claim 2, one of the mounting spindles that secure a cutting tool or blade to the body of the pocket knife can also serve as a point about which a transmission arrangement pivots to change a force direction of a load to a torque force rotating about the mounting spindle. For example, as illustrated in Fig. 3, transmission element 21 may be secured to mounting spindle 11 such that the transmission element 21 can pivot about the mounting spindle in response to a load received on the weighing element 13, as described, for example, in the paragraph bridging pages 8 and 9 of the Specification.

Claim 2 requires a pocket knife for measuring a weight of a load suspended therefrom, the pocket knife comprising at least three mounting spindles positioned and configured to foldably secure the at least one cutting tool or blade to the body of the pocket knife and operable to lock the cutting tool in a folded-in or folded-out position with respect to the body, a transmission arrangement configured to pivot about one spindle of the at least three mounting spindles, a weighing element mounted to the body such that the weighing element is foldable out of the body, the weighing element being configured to receive the load and to transmit to the transmission arrangement in a first force direction the weight of the load, and the transmission arrangement configured to change a force direction of the load from the first force direction to a torque force rotating about the one spindle by the pivoting about the one spindle when the weighing element receives the load.

The Office Action acknowledges (Office Action, page 2) that Camenzind does not disclose a transmission arrangement/lever element configured to pivot about a spindle. However, the Office Action alleges that Poitras discloses or suggests such features.

Poitras discloses a device that shuts off the flow of therapeutic fluid in an apparatus for the collection of blood (Poitras, Abstract; col. 1, lines 3-12), and discloses a device that has a weight longitudinally slidable on the lever type scale arm to permit accurate selection of a blood quantity to be collected (Poitras, Abstract). Poitras discloses a two-arm lever member 28 that includes upwardly inclined arm 29 and horizontal arm 31 pivotally supported within the slot 22 by pivot pin 27, and discloses that as the scale arm 28 rotates clockwise about pivot 27 into the position shown in Fig. 6 of Poitras, the nip 32 moves with respect to the stationary front block portion 21 to pinch and close off flexible tubing 13 (Poitras, col. 4, lines 10-15).

First, Poitras does not disclose or suggest a spindle of at least three mounting spindles positioned and configured to foldably secure a cutting tool or blade to the body of a pocket knife, as required by claim 2. As discussed, Poitras is directed to a therapeutic fluid flow control apparatus and is completely silent as to any kind of pocket knife or spindles for securing implements of a pocket knife. Therefore, even taken together in combination, Camenzind and Poitras do not disclose or suggest a transmission arrangement pivoting about the one spindle of the at least three mounting spindles positioned and configured to foldably secure the at least one cutting tool or blade to the body of the pocket knife, as required by claim 2.

Further, Poitras does not disclose or suggest a transmission arrangement configured to change a force direction of the load to a torque force rotating about the one spindle of the at least three mounting spindles positioned and configured to foldably secure the at least one cutting tool or blade to the body of the pocket knife, as further required by claim 2. Thus, even if Camenzind and Poitras were combined as proposed, the proposed combination still fails to disclose these aspects of claim 2.

Nonobviousness

More generally, the teachings of Camenzind and Poitras, even when combined, fail to address the problems recognized and solved by Applicant's invention as claimed in claim 2. As discussed, an effect or advantage according to an aspect of Applicant's invention as claimed in claim 2 is that one of the spindles used to secure implements of a pocket knife to the body of the pocket knife also serves as a point about which the transmission arrangement pivots when the

weighing element receives the load, and the spindle also serves to facilitate the transmission arrangement changing of force direction of the load to the torque force rotating about the spindle. Camenzind and Poitras are silent as to such issues.

Moreover, it is respectfully submitted that the proposed combination of Camenzind and Poitras is improper because Poitras is non-analogous art. As discussed, Poitras is in the field of apparatuses for blood collection or therapeutic fluid flow control apparatuses while Camenzind discloses a multi-function tool, such as a pocket knife. It is respectfully submitted that the proposed combination would not have been obvious to a person of ordinary skill in the art based on Camenzind and Poitras and that the Examiner appears to be engaging in impermissible hindsight reconstruction based on Applicant's own disclosure to combine the references as proposed and to seize on selected teachings therefrom. Therefore, claim 2 would not have been obvious based on the cited art.

Claims 3, 4, 15 and 24 depend from claim 2, and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejection and allowance of the claims of the application are respectfully requested.

THIS CORRESPONDENCE IS BEING SUBMITTED ELECTRONICALLY THROUGH THE UNITED STATES PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON March 16, 2010

RCF:GB/jl

Respectfully submitted,

Robert C. Faber
Registration No. 24,322
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700